

BOARD BILL NO.338CS INTRODUCED BY: ALDERWOMAN LYDA KREWSON

An ordinance relating to cleanup and beautification programs, recommended by the Board of Estimate and Apportionment; establishing an Operation Brightside Agency as a division of the Department of Parks, Recreation and Forestry; and providing for the position and duties of Program Manager of the Operation Brightside Agency in the classified service; providing a vested accrued benefit to employees of Operation Brightside, Inc., a Missouri not-for-profit corporation, who become members of the Employees Retirement System of the City of St. Louis as a result of the creation of the Operation Brightside Agency in the classified service; authorizing a cooperation agreement between the City of St. Louis and Operation Brightside, Inc., a Missouri not-for-profit corporation; providing for the form of such cooperation agreement; with an emergency provision. .

Whereas, for many years Operation Brightside, Inc., a Missouri not-for-profit corporation, has conducted cleanup and beautification programs (the “Programs”) in the City in cooperation with City government and citizens;

Whereas, the it is in the best interests of the City and its residents to establish an Operation Brightside Agency as a division of the City’s Department of Parks, Recreation and Forestry to conduct the Programs and employ the employees of Operation Brightside, Inc. as the initial employees of such Agency;

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There is hereby established as a division of the Department of Parks, Recreation and Forestry an Operation Brightside Agency, which Agency shall consist of:

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1 A. A Program Manager of the Operation Brightside Agency, who shall be appointed
2 by the Director of Parks, Recreation and Forestry in accordance with Article XVIII of the
3 Charter. The Program Manager shall be the executive head of the Operation Brightside Agency,
4 and shall be responsible for carrying out the duties of such Agency. The Program Manager shall
5 receive a salary fixed in accordance with ordinance provisions. The Program Manager shall
6 organize and coordinate City-wide cleanup and beautification programs with City departments,
7 other governmental entities and private organizations and shall have such additional authority,
8 duties and responsibilities as may be authorized by ordinance;

9 B. An Operation Brightside Agency staff, to consist of such technical, clerical,
10 stenographic, and other personnel as deemed necessary by the Program Manager. The Program
11 Manager may employ such personnel, and when they are to be compensated, may make such
12 expenditures within the appropriations therefor, or from other funds made available, as may be
13 necessary to carry out the purposes of this ordinance. In all applicable cases, the system of
14 personnel administration in the Operation Brightside Agency shall be in accordance with the
15 merit system requirements of Article XVIII of the Charter, as supplemented by ordinance rules
16 or regulations.

17 **SECTION TWO.** Any employees of Operation Brightside, Inc., a Missouri not-for-profit
18 corporation, who become members of the Employees Retirement System of the City of St. Louis
19 as a result of the creation of the Operation Brightside Agency in the classified service pursuant to
20 this ordinance will have a vested accrued benefit immediately upon his or her becoming a
21 Member based on his or her Creditable Service (as that term is defined by subsection 8 of
22 Section Four of Ordinance 66511) since becoming a Member.

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SECTION THREE. The Mayor and Comptroller are hereby authorized to execute and deliver, on behalf of the City of St.Louis (the “City”) a cooperation agreement with Operation Brightside, Inc., substantially in the form attached hereto as Exhibit A.

SECTION FOUR. This ordinance, being necessary for the immediate preservation of the public health and safety, is declared to be an emergency ordinance under Article IV Sections 19 and 20 of the City Charter.

EXHIBIT A

COOPERATION AGREEMENT

This is an Agreement (the “Agreement”) entered into this __ day of _____, 200__, (the “Date Hereof”) by and between the City of St. Louis, Missouri (the “City”) a municipal corporation of the State of Missouri (the “City”) and Operation Brightside, Inc., a Missouri not-for-profit corporation (“ the Corporation”).

Premises

1. For many years the Corporation has conducted cleanup and beautification programs (the “Programs”) in the City in cooperation with City government and citizens.
2. The City has determined to establish an Operation Brightside Agency (the “Agency”) as a division of the City’s Department of Parks, Recreation and Forestry to conduct the Programs, and to employ the employees of the Corporation in such Agency.
3. The Corporation will continue to exist and own and receive various property and donations which are intended to be used for the Programs.
4. The parties wish to agree, as hereinafter provided, on the coordination of the activities of the Agency and the Corporation.
5. This Agreement has been authorized as to the City by Ordinance ____ (B.B.____) and is a cooperation agreement under Section 70.210 et seq. RSMo.

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Now Therefore, in consideration of the foregoing premises and their respective promises and undertaking hereinafter made, the parties agree as follows:

Terms

1. The term of this Agreement is ten years from the Date Hereof, subject to extension for three successive extended terms of five years each by the City upon written notice to the Corporation not less than ninety days prior to the expiration of the term or of the then-current extended term.

2. The Corporation agrees that the Agency and its employees may occupy and use the building owned by the Corporation at 4646 Shenandoah Avenue, St. Louis Missouri, 63110 (the Real Property". The Corporation hereby grants the Agency and its employees a license to enter upon and utilize the Real Property for their governmental operations. At the request of the Agency the Corporation will execute a lease of the Real Property to the City or the Agency.

3. The Corporation will pay, out of assets on hand and received in the future, all utility costs, loan payments and other expenses relating to the Real Property, and will maintain the current insurance on the Real Property.

4. Upon the request of the Agency, acting through its Program Manager, the Corporation will pay to the City, or reimburse the City for, expenses of the Agency or the City or contractors or other designees of the City or the Agency, for the conduct of the Programs, to the extent of funds available to the Corporation.

5. The Corporation shall copy the Agency on all correspondence of the Corporation, and shall furnish the Agency copies of all bank statements, bills, checks, receipts and deposit slips within one business day after receipt. The Corporation shall provide the Agency upon request access to any financial records of the Corporation.

6. The Corporation shall maintain its corporate status with the State of Missouri and its tax-exempt status with the United States Internal Revenue Service, and any existing liability insurance policies, to which it shall add the City its officers and employees as additional insureds.

In witness whereof the parties have set their hands on this ____ day of ____, 2008.

CITY OF ST. LOUIS, MISSOURI

By: _____
Comptroller, City of St. Louis

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1 Approved as to Form: _____
2 City Counselor
3

4 Attest _____
5 Register
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8 **OPERATION BRIGHTSIDE, INC.**
9

10
11 By: _____
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13 Attest: _____
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